

# **Federal-Aid Project Oversight Agreement**

## **Background and Purpose**

Section 1305 of the Transportation Equity Act for the 21st Century (TEA-21) of 1998 amends Section 106 of Title 23 - United States Code (U.S.C.), Project Approval and Oversight. This section revises provisions for project oversight of federal-aid highway projects and eliminates the Certification Acceptance (CA) Program.

The amended Section 106 provides considerable flexibility to the State of Missouri and the Federal Highway Administration (FHWA) Division in reaching agreement on the responsibilities for design, plan development, specifications, estimates, right of way certification, contract awards, project inspections and final acceptance of federal-aid highway projects. These responsibilities refer only to project actions.

## **Project Oversight Responsibilities**

**Interstate Projects** - On all interstate projects with an estimated construction cost of greater than \$1 million, all project activities shall receive full-oversight and approval by FHWA. For all major bridge or intelligent transportation system (ITS) projects, regardless of cost, FHWA will continue full-oversight and approval. In addition, traffic control plans for all interstate projects will be provided to FHWA for review. This oversight responsibility is a continuation of the principles included in the Missouri 1993 Stewardship Agreement and as allowed by Section 106(c)(4) of Title 23 U.S.C. as amended by TEA-21.

**Non-Interstate National Highway System (NHS) Projects** – MoDOT assumes oversight responsibility for all non-interstate NHS projects, regardless of the federal funding source. However, this does not include major bridge or ITS projects that will continue to receive full-oversight and approval by FHWA. In addition, FHWA will be given the opportunity to participate on MoDOT project management teams to insure that timely input and technical assistance are provided to achieve quality project development.

**Non-MIS Projects** - MoDOT assumes oversight responsibility for all non-NHS projects, regardless of project cost, type of work, size, or federal funding source. This oversight responsibility includes federal-aid projects let to contract and administered under a local public agency (LPA) agreement. This oversight responsibility is a continuation of the principles included in the Missouri 1993 Stewardship Agreement and as allowed by Section 106(c)(4) of Title 23 U.S.C. as amended by TEA-21.

## **Identification of Full-Oversight Projects**

MoDOT and FHWA will conduct an annual review of the MoDOT Statewide Transportation Improvement Program (STIP) to identify the projects that will be administered as full-oversight projects by the FHWA.

## **Obligation of Funds**

MoDOT will not submit requests for obligation of funds on any federal-aid project until the National Environmental Policy Act (NEPA) approval process has been completed, right of way clearance has been approved, and the projects for which federal funds are being requested are listed in the MoDOT Statewide Transportation Improvement Program (STIP).

## **Other Oversight Agreement Provisions**

This agreement is made with the following understandings:

All projects previously authorized prior to the effective date of this agreement under Certification Acceptance (CA) will be administered by MoDOT as though the projects were authorized under the provisions of this agreement.

All non-Title 23 U.S.C. requirements will continue to be subject to FHWA project review, oversight and approval.

All projects on the NHS (Interstate and Non-Interstate) will conform to MoDOT adopted design and construction standards as approved by FHWA. Amendments or revisions to these standards are subject to FHWA's review and approval.

All Non-NHS projects shall be designed, constructed, operated and maintained in accordance with state laws, regulations, directives, and safety, design and construction standards.

FHWA will complete a final inspection and final acceptance on FHWA full-oversight projects. MoDOT assumes this responsibility for all other projects. MoDOT will take action to close projects in a timely manner.

This agreement does not preclude FHWA from observing a federal-aid highway project under MoDOT responsibility, including those under an LPA agreement, should the project contain unique features, if unusual circumstances arise, or should such projects be party to inclusion in joint agency MoDOT Quality Assurance Reviews (QARS) or FHWA Process Review & Evaluations (PR&E).

FHWA and MoDOT enter into this agreement to conduct project oversight activities in accordance with the above stipulated agreement provisions. The effectiveness of these oversight responsibilities will be evaluated periodically and adjustments made upon mutual agreement.

## **Certification**

It is hereby certified that MoDOT will follow all federal and state laws, regulations and directives for the design, construction, operation and maintenance of all federal-aid projects.